



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619

CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

MARYLOU SUDDERS
Secretary

MARGRET R. COOKE
Commissioner

Tel: 617-624-6000
www.mass.gov/dph

September 20, 2022

Via First Class & Certified Mail No. 7019 0700 0000 3088 0160,
Return Receipt Requested

John Karvelas
132 Collins St., Unit 1
Danvers, MA 01923-3500

RE: In the Matter of John Karvelas, Docket No. REP-2020-001
License No. RT1042

Dear Mr. Karvelas:

Please find enclosed the Final Decision and Order issued by the Board of Respiratory Care on September 20, 2022 and effective **September 30, 2022**. This constitutes full and final disposition of the above-referenced complaint, as well as the final agency action of the Board. Your appeal rights are noted on page 5.

You may contact Mary Strachan, Esq., Board Counsel at 617-973-0950 with any questions that you may have concerning this matter.

Sincerely,

Steven Joubert, LMHC, LNHA
Executive Director,
Board of Respiratory Care

Encl.

cc: Richard Banks, Esq., Prosecuting Counsel
Karen Gray Carruthers, Esq., Administrative Magistrate

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF RESPIRATORY
CARE

In the Matter of
John Karvelas
License No. RT1042
License expires: 5/31/24

Docket No. REP-2020-001

FINAL DECISION AND ORDER

Procedural History

On November 5, 2020, the Board of Respiratory Care (“Board”) issued to the Respondent an *Order to Show Cause* (“OTSC”) why it should not take disciplinary action against his license to practice as a Respiratory Therapist (“RT”) and the right to renew such license. The *OTSC* asserts that the Respondent’s conduct constitutes a violation of accepted standards of practice and Board regulations at 261 CMR 4.03, for violation of Standards of Conduct for Respiratory Therapists, and pursuant to M.G.L. c. 112, §§ 23(s) & 61. Specifically, the *OTSC* alleged that Respondent’s conduct violated 261 CMR 4.03(f) (engaging in conduct prohibited by the Standards for Conduct set forth at 261 CMR 3.10: *Professional Standards of Conduct For Respiratory Therapists*), 261 CMR 3.10 (14) (failing to safeguard patient information from any person or entity, not entitled to such information), 261 CMR 4.03(h) for engaging in conduct that violates recognized standards of care), 261 CMR 4.03(s) (engaging in conduct that demonstrates a lack of good moral character), 261 CMR 4.03(w) (engaging in conduct that undermines public confidence in the integrity of the profession) and conduct that constitutes unprofessional conduct and/or conduct which undermines public confidence in the integrity of the profession based in

case law.¹

In addition to stating the allegations against Respondent, the *OTSC* notified Respondent that an Answer to the *OTSC* (“Answer”) was to be submitted within 21 days of receipt of the *OTSC*.² The *OTSC* also notified Respondent of the right to request a hearing on the allegations,³ and that any hearing request (“Request for Hearing”) was to be submitted within 21 days of receipt of the *OTSC*.⁴ Respondent was further notified that failure to submit an Answer within 21 days “shall result in the entry of default in the captioned matter” and, if defaulted, “the Board may enter a Final Decision and Order that assumes the truth of the allegations in the [Order to Show Cause] and may revoke, suspend, or take other disciplinary action against [Respondent’s] license ... including any right to renew [Respondent’s] license.” A copy of the *OTSC* is **attached** to this Final Decision and Order and is incorporated herein by reference.

Respondent filed an *Answer* on November 25, 2020. Prosecuting Counsel filed a *Motion for Partial Summary Decision* on March 30, 2021, and on May 3, 2021, the Respondent filed a *Motion Opposing Prosecuting Counsel’s Motion* and a *Motion to Dismiss the Complaint*. On May 20, 2021, Chief Administrative Magistrate Jason Barshak issued a *Recommended Ruling on Petitioner’s Motion for Partial Summary Decision* (“Recommended Ruling”) and Respondent’s Cross Motions. On August 23, 2021, the Board issued its *Ruling on Petitioner’s Motion*, granting the Prosecutor’s Motion on grounds 261 CMR 4.03(s), 261 CMR 4.03(w), and the Common law prohibition against conduct that undermines public confidence in the profession’s integrity, dismissing the other allegations in the *OTSC*, and denying Respondent’s *Motion to Dismiss* (“Ruling”).

Respondent requested a sanction hearing on October 12, 2021. At a March 24, 2022, conference, the Parties agreed that the Sanction Process would be “on the papers.” Consequently, no in-person or virtual Sanction Hearing took place. On May 27, 2022,

¹ See *Sugarman v. Board of Registration in Medicine*, 422 Mass. 338, 342 (1996); see also, *Kvitka v. Board of Registration in Medicine*, 407 Mass. 140, cert. denied, 498 U.S. 823 (1990); *Raymond v. Board of Registration in Medicine*, 387 Mass. 708, 713 (1982).

² In accordance with 801 CMR 1.01(6)(d)(2).

³ Pursuant to M.G.L. c. 112, § 61.

⁴ Respondent was also notified that failure to timely submit a Request for Hearing would constitute a waiver of the right to a hearing.

Administrative Magistrate Karen Gray Carruthers⁵ issued her *Tentative Decision After Sanction Hearing Process* ("Tentative Decision").

The Board adopts the *Tentative Decision*, including all findings of fact, and conclusions of law, and discussion therein as its *Final Decision*. The *Tentative Decision* is attached hereto and incorporated herein by reference.

The Board voted to adopt the within *Final Decision* at its meeting held on September 15, 2022, by the following vote:

In favor: Jason Morin, RRT, Brian Bloom, M.D., Samy Sidhom, M.D., William Beal.
Opposed: None; *Abstained:* None; *Recused:* None; *Absent:* Amy Keenan, R.N.

Discussion

The Board is charged with protecting the public health, safety, and welfare and to this end, the Board has broad authority to regulate the conduct of respiratory care professionals including the ability to sanction professionals for conduct that undermines public confidence in the integrity of the profession. See Kvitka v. Board of Registration in Medicine, 407 Mass. 140 cert. denied, 498 U.S. 823 (1990); Raymond v. Board of Registration in Medicine, 387 Mass. 708, 713 (1982). In the instant matter, the Respondent was convicted of the crime of harassment which resulted in a court ordering a Harassment Protection Order. Subsequently, Respondent twice violated the Harassment Protective Order when he contacted his former supervisor and co-workers. He further violated patient confidentiality when he obtained the records of patients not in his care.

This Board has previously disciplined Respiratory Therapists for criminal conduct. See In the Matter of [REDACTED] REP-2014-007 (Reprimand due to Respondent's convictions for Operating Under the Influence in 2012 and 2013 in violation of board regulations and for engaging in unprofessional conduct). See also, In the Matter of [REDACTED] REP-2012-

⁵ Chief Administrative Magistrate Jason Barshak is no longer employed by DPH.
Karvelas, J.
REP-2020-001

014 (Consent Agreement for Reprimand due to Out of State Discipline (state of Maine) based on Licensee's failure to document care provided and his unprofessional conduct in failing to disclose discipline on Massachusetts RT License Application). *Cf., In the Matter of* [REDACTED] REP-2016-003 (permanent revocation by Final Decision and Order by Default due to Licensee's lengthy criminal history and failure disclose such on his application for licensure). *See also, In the Matter of* [REDACTED] REP-2012-013 (Consent Agreement for Voluntary Surrender due to Out of State Discipline (state of Maine) based on Licensee's conviction in April 2012 in the United States District Court, District of Maine, of Health Care Fraud and of Knowingly Making A False Statement to the Small Business Administration and failing to disclose convictions on his application for Maine RT license).

ORDER

Based on its Final Decision, the Board orders that Respondent's license be subject to **REPRIMAND**.

The Board voted to adopt the within Final Order at its meeting held on September 15, 2022, by the following vote:

In favor: Jason Morin, RRT, Brian Bloom, M.D., Samy Sidhom, M.D., William Beal;
Opposed: None; *Abstained:* None; *Recused:* None; *Absent:* Amy Keenan, R.N.

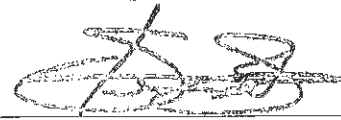
EFFECTIVE DATE OF ORDER

This Final Decision and Order becomes effective upon the tenth (10th) day from the date issued (see "Date Issued" below).

RIGHT TO APPEAL

Respondent is hereby notified of the right to appeal this Final Decision and Order to the Supreme Judicial Court pursuant to M.G.L. c. 112, §64. Respondent must file any appeal within thirty (30) days of receipt of this notice of Final Decision and Order.

Board of Respiratory Care



Steven Joubert, LMHC, LNHA

Executive Director

Board of Respiratory Care

Date Issued: 9/20/2022

Notified:

By first-class and certified mail no. 7019 0700 0000 3088 0160
Return Receipt Requested

John Karvelas
132 Collins St
Unit 1
Danvers, MA 01923-3500

Via Interoffice Mail

Richard Banks Esq.
Prosecuting Counsel
Department of Public Health
Office of General Counsel
250 Washington Street
Boston, MA 02108

Karvelas, J.
REP-2020-001

Via Interoffice Mail

Karen Gray Carruthers, Esq.
Administrative Magistrate
Department of Public Health
Office of General Counsel
250 Washington Street
Boston, MA 02108